



Night Time
Industries
Association



Integrating performance into venues

Acknowledgement of Country

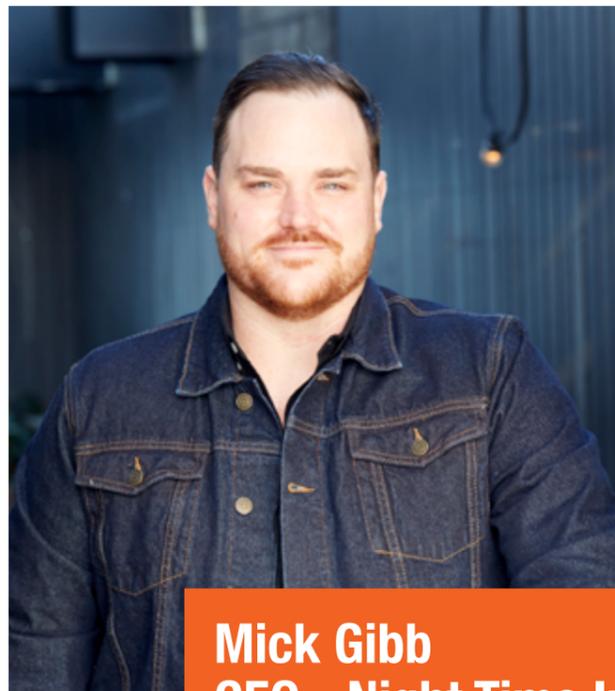
The board and staff of the NTIA acknowledge that we are on unceded land of the Gadigal People of the Eora Nation. We pay our respect to Elders past, present and future and are privileged to celebrate a living culture of over 60,000 years.

Foreword

Live performances can create a unique atmosphere that even the most avid Netflix fan can't find online. Live performances such as a great band, hilarious stand-up comedian, or a breathtaking production create special memories for patrons and can build a venues' standing in the community.

The motivations for integrating performance into a venues' offering are varied. It may be to attract new audiences, build a venues' brand identity, provide a stage for local artists to hone their craft (a much needed step along a musician's career pathway), or increase revenue. Of course, there are also some venues that simply want to create the kind of atmosphere where their owners would love to hang out.

Research from University of Tasmania demonstrates "live music spending in Australia delivers at least a 3:1 benefit-to-cost ratio"¹.



Mick Gibb
CEO - Night Time Industries Association

Each dollar spent on live music in Australia generates \$3 dollars' worth of value to the wider community. This includes associated businesses such as restaurants, retail outlets, and transportation providers that are key parts of the night-time economy.

This was also one of the key findings to emerge from the NSW Parliamentary Inquiry into Music and the Arts (2018)², which was a catalyst for changing the way that state and local governments see the role of live music for economic development. This is reflected in Sydney's 24-Hour Economy Strategy which acknowledges live music as "an integral part of a vibrant 24-hour economy" and aims to "encourage a seven-day live music scene."

It's not surprising that venues are increasingly turning to music and live performance more generally to differentiate themselves in a competitive market.

This guidebook draws on the insights and expertise of industry leaders to provide advice on how to integrate performance into venues. It considers issues like whether live performance can help boost your bottom line, or contribute to your venues identity. The guidebook includes best practice on how to find artists, host a gig, connect with new audiences, rates of pay for musicians, and the collection of data to track what's working.

I hope this guidebook serves as a useful resource.

Regards,
Mick Gibb



¹ The Economic and Cultural Value of Live Music in Australia 2014.

² Parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2471



Regulatory Landscape

The integration of live performance into venues is regulated by state and local government. Conditions or restrictions on live music performance will be outlined in your Development Approval (DA) and liquor licence. As a result, the three public authorities venues should consult with are:

- **Local Council,**
- **NSW Police Force, and**
- **Liquor and Gaming NSW.**

If your venue hosts live music or plays recorded music then you'll also need to get a One Music licence³, this is because "having permission to play music in a business setting is a legal requirement under the Copyright Act (1968), regardless of what industry you operate in or how you play music". One Music is an initiative from APRA AMCOS⁴ and PPCA⁵ to provide a straightforward licensing scheme for businesses.

In November 2020 coordinated changes to the Liquor Act, Planning Act, and Local Government Act were introduced to provide a more supportive regulatory framework for venues ranging from small bars, to restaurants, pubs, dedicated live music venues, as well as night clubs and hotels. These changes were the result of more than a decade of advocacy and consultation.

³ onemusic.com.au

⁴ Australasian Performing Right Association (APRA) and Australasian Mechanical Copyright Owners Society (AMCOS): apraamcos.com.au

⁵ Phonographic Performance Company of Australia: ppca.com.au



The reforms include but are not limited to:

- **Incentivised live music by permitting venues which hold two live music or arts performances per week with significant space/infrastructure dedicated to performance:**
- **60 minutes of additional trading for venues on the night that 45 minutes of live music or arts performance is put on after 8pm**
- **Refined NSW Liquor and Gaming's regulatory role in noise complaint compliance and enforcement to reduce overlapping responsibilities, limiting its remit to disturbance complaints which relate to the behaviour of customers as they leave a venue, rather than from noise or live music coming from within a venue, which are managed by councils**
- **Opportunities for the creation of special entertainment precincts**

One of the results of these reforms is the ability to amend restrictions in a venue's DA or liquor licence such as entertainment bans (i.e. no live music on weeknights) or prescriptions on musical performance (i.e. not allowing certain genres of music, or restricting the number of musicians that can perform, etc.). Venues that have these types of conditions in place are encouraged to reach out to local council and/or Liquor & Gaming NSW regarding the process of having them amended.

Another reform is that low impact performance of live music or arts can now be classified as exempt development under section 15AB of the Exempt and Complying State Environmental Planning Policy⁶. This means that venues that have not traditionally hosted live performances can do so without seeking approval provided certain conditions are met. For example, an approval is generally not required if the performance does not materially alter the nature of the business or service being provided. As always, consult with your local council as appropriate.

The recent changes to the regulatory environment are due in no small part to the work of peak industry bodies such as MusicNSW⁷ and the Live Music Office.⁸ Venues interested in hosting live music performances can benefit from resources these organisations have developed including sample artist contracts, event run sheet templates, and checklists for booking gigs.

NSW is well positioned to benefit from a regulatory environment that is supportive of the full spectrum of night-time economy activities. In fact, the regulatory framework is recognised nationally and internationally as one of the most progressive to support live music and cultural activity. Below are the key considerations for venues interested in hosting live performances.

⁶ legislation.nsw.gov.au/view/html/inforce/current/epi-2008-0572

⁷ Musicnsw.com

⁸ Livemusicoffice.com.au



Key Considerations

Setting up the Space

If performance will be a core part of your business, then you'll need to invest in the appropriate sound and lighting equipment.⁹ This includes purchasing and installing the right equipment. If your venue will only host music and live performance occasionally, then you may consider renting equipment on an 'as required' basis.

In both cases, you will want to consider engaging a sound technician to set and monitor the levels, and ensure a high quality sound. Sound quality is an important part of the overall live performance experience and an important step in making a venue's live performance offering successful.

If you've invested in your own equipment, you'll also need to consider ongoing maintenance costs. Some sound production companies can provide both technical support at the gig, as well as maintenance – which can streamline the process by only having to work with one company who will be familiar with your business.

⁹ (see Managing Sound and Noise in Venues Guidebook for more information on managing sound and noise).

Finding and Selecting Musicians

There are two main approaches to finding and selecting performers into your venue:

1. Do-It-Yourself (DIY),
2. Work with a booking agent.

The DIY approach involves more work but is typically less expensive. The benefits include building up your knowledge of the local music and performance scene, developing personal relationships with a wide range of musicians, and having full control over your line-up.

The drawbacks of this approach are that it's time consuming to find artists, negotiate contracts, and perform administration. There's also a higher risk of selecting a band that doesn't suit your venue or is not up to the standard you expected. If you are knowledgeable about the music industry, or have a passion for becoming more informed, then the DIY approach can make sense.

If you are less connected with the local music scene, or simply don't have time to take on an additional responsibility, then working with a booking agent or technology solution is a great option. Agents can provide you with a roster of musicians to choose from and give you peace of mind that your patrons will be getting a high quality, professional performance. Booking agents can also leverage their networks to secure bigger touring acts coming to town – and create a line-up of smaller local acts to support.

Another benefit for working through an agent is that you'll save time. Booking agents can handle administrative tasks like writing contracts and agreements with artists, providing a run sheet so everyone is clear about the expectations at the event, and processing invoices after the show. Some agents provide a service for venues to bulk bill all the performances for the past week or month as one payment. This way the venue has one entertainment invoice to pay, and then the booking agent will then pay each artist their individual performance fee.

There are also technology solutions in the market that assist venues manage the end-to-end process of curating and booking performance in a venue. It is worth exploring whether these options are right for your organisation.

Regardless of which approach is right for your venue, consider who is the best person on your team to manage this aspect of the business. Whether they are taking the DIY approach, or are simply your venue's point of contact for a booking agent, make sure they have the time and support required to be successful.



Artist Agreements/ Contracts

The artist's agreement is a contract between performer(s) and the venue. It includes information on how much the musicians will be paid, whether the venue provides a sound engineer, and how much ticket prices are. It also includes information like who is responsible for promotion and what happens if the show is cancelled.

Fortunately, there are resources available to help get started. For example, sample contract and artist agreements¹⁰ and booking confirmation checklists¹¹ are available through the Live Music Office and Music NSW. The level of detail required in a contract with a local band just starting to play live gigs, will be different than a headline act touring to promote their recent album. As with any template, make sure to adjust it to meet your needs.

A key question you'll need to address is what to pay the artists? Some venues have a fixed entertainment budget to cover performance fees regardless of whether they are hiring a solo act, or a four piece band. Other venues will pay a 'per musician' rate (for example \$150 per musician for a 45 minute to 1 hour set).

Although there are industry standards, there is no universally agreed upon performance fee. Helpful resources include the pay calculator from the Musicians Union,¹² the Musicians Australia Minimum Fee¹³ and the Live Performance Award from the Fair Work Ombudsman.¹⁴

¹⁰ [Livemusicoffice.com.au/livemusic/agreements-and-contracts/](http://livemusicoffice.com.au/livemusic/agreements-and-contracts/)

¹¹ [Musicnsw.com/resources/tax-and-legal/](http://musicnsw.com/resources/tax-and-legal/)

¹² [Musiciansunion.com.au/for-musicians/calculator/](http://musiciansunion.com.au/for-musicians/calculator/)

¹³ [Musiciansaustralia.org/the-musicians-australia-minimum-fee/](http://musiciansaustralia.org/the-musicians-australia-minimum-fee/)

¹⁴ [Fairwork.gov.au/employment-conditions/awards/awards-summary/ma000081-summary](http://fairwork.gov.au/employment-conditions/awards/awards-summary/ma000081-summary)



Determining the rate of pay is part of a larger discussion about the kind of agreement you make with your artists.

The most common types of agreement are:

- **A guarantee: the venue and artist agree on a fixed performance fee prior to the show.**
- **A door deal: the venue pays the artist a percentage of ticket sales for the show.**
- **A versus deal: the venue pays a guaranteed fee to the artist plus a percentage of the door takings once a certain amount has been reached.¹⁵**

The logic of a versus deal is that the artists are motivated to help promote the show within their own network and across social media. This can be a win-win for the artists and the venue. The artists benefit because the more friends and fans they get to come to the show, the more money the band can earn. The venue benefits through increased revenue – and also attracting new audiences through its doors.

On the Night

When hosting a performance make sure to create a run sheet for the event. The run sheet will describe what is going to happen, when it's going to happen, and who is responsible. MusicNSW's Industry Essentials on how to play a live show¹⁶ and the Live Music Office's Event Operations Manual¹⁷ are both an excellent place to start.

The run sheet will outline important details like:

- What time will the band arrive?
- Where will the performers be able to privately prepare for the performance? Is there a fixed dressing room or a private space that can be converted to a green room for the night of the performance?
- Where will they load and unload their gear? Do they need assistance?
- Is a sound check required?
- Is the stage set up as per their stage plot requirements?
- What is the set up time, performance times, break times?
- Where can the band set up a merch desk?
- Some venues are required to monitor decibel levels at various locations and times during the performance. Include this on the run sheet to ensure it is completed, unless you already have a staff check list for this activity.
- Some venues are required to have a particular ratio of security staff required relative to crowd size (for example one security per 100 patrons, etc.). Again, make sure this is included on your run sheet.

In addition to making sure everything is organised, it's also worth considering if there is any additional value or perks you can offer the performers that will make them feel welcome and comfortable. For example, do you have a green room or a staff room where they can sit or rest (especially helpful for touring musicians)? Can your venue offer musicians a meal, a drink, or some VIP seats for friends of the band? Of course there is no need to over-extend yourself. But like any good host, you want to put yourself in the musician's shoes and ask "what would help them to put on a great show?"

After the Show

Be sure to collect data about the gig in order to make informed choices going forward. This includes tracking your sales to determine whether or not the live performance helps generate profits.

Does a solo or duo performance generate the same turn-over as a band? Do food and drink sales increase if there is an opening act, or a line-up of bands? Because each venue is unique, there is no 'right' approach that you must follow. Find out what works for your venue – and give it the time required to gather meaningful data.

If you are starting a new performance or music night, then consider running the event for a minimum of 5 to 8 weeks to see if it works. Only a few patrons are going to come every week. This time frame gives them a chance to return the following month. It also gives you the chance to review a larger set of sales data.

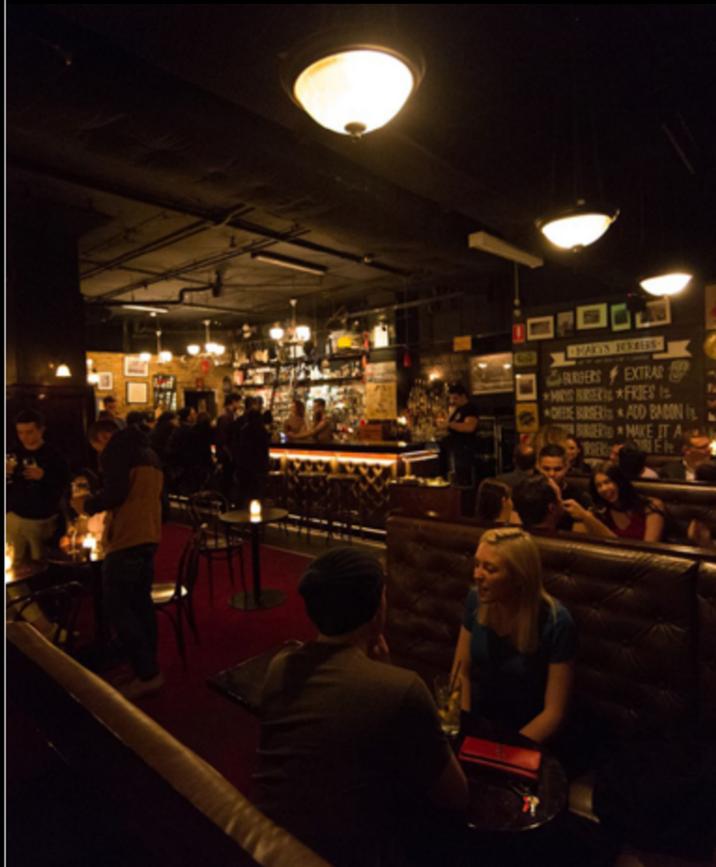
Qualitative feedback is also critical. Talk with patrons. Ask them what's working and invite them to share their ideas. Hosting a gig is a great reason to engage with your patrons and build that personal connection. Tech savvy venue operators may consider collecting more robust data by creating a QR code feedback form or survey. You might include questions about the overall atmosphere or experience of patrons. This information can help you develop a clearer picture of your ideal client - and cater to them.

Finally, remember to pay your artists promptly. People involved in the gig economy rely on those payments for day to day expenses. Best practice is to set out the payment terms in your artist agreement. Be sure to hold up your end of the deal.



Ramblin Rascal Tavern

Ramblin Rascal Tavern is a unique small bar in the heart of Sydney's CBD. It offers free live music four nights a week, drawing on local and national acts. Ramblin Rascal has been hosting live music since 2017, originally hosting a house band every Thursday. Since then its live music offering expanded to include Wednesday, Friday and Saturdays.



Ramblin Rascal Tavern

The venue has a capacity of 100 guests and caters to an over 18 audience which includes young adults, the CBD's after-work crowd of professionals, and an over 45 crowd on certain nights. Ramblin Rascal is an accessible venue, with the flexibility to move chairs and tables to create more seating or room to dance (depending on the music).

To get started, the founders of Ramblin Rascal invested in affordable sound and lighting equipment to fit out the venue, and engaged a local company to provide a sound technician for each gig. The same company also helps with regular maintenance for the sound system. The venue records decibel levels when it hosts gigs, ensures appropriate security staff relative to patron numbers, and conducts floor checks and bathroom checks every hour in compliance with its DA requirements.

Ramblin Rascal has taken a DIY approach to booking bands. It has a house band that plays every Thursday (The Masala and Cokes). They provide a 'residency' for bands to perform on other nights (i.e. the band gets to play one night a week over the course of a number of weeks or months).

Choosing to have a residency allows patrons to have some predictability about what their experience will be. It also limits the amount of time and administration required by Ramblin Rascal staff to select new bands, communicate expectations, and negotiate contracts. It's a good example of how to create 'a system that works' for your venue based on the resources available.

In terms of payment, Ramblin Rascal provides the bands with a guaranteed rate. This is where the venue agrees to pay a fixed fee for the show (regardless of the number of patrons or food and drinks sold). However, it also offers a "versus deal" (see Key Consideration section above) that includes an incentive to earn more based on bar sales for the night. This helps ensure the band works to promote the show, and the venue benefits from attracting new audiences.



Ramblin Rascal Tavern Founders

In order to help grow its live music offering, in 2021 the Ramblin Rascal applied for a City of Sydney Creative Grant to help launch an additional night of live music. The grant application was successful and helped kick start its Friday night music residency.

Live music has been an economic driver, but it's also part of the venue's identity. The music is free. It's for everyone to have fun and enjoy together.

Top 10 Tips

1 Be informed

Review DA conditions and Liquor Licence requirements.

2 Engage with local stakeholders

Establish a relationship with stakeholders such as neighbours and the Police at the Local Area Command.

3 Be sure to get a One Music licence

A license is almost always a legal requirement when playing music publicly.

4 Get the right sound and lighting equipment to suit your venue

Engage a professional to run the sound.

5 Choose an approach that works for you

Based on your network across creative industries and ability to dedicate time to managing and booking artists and performers.

6 Track the data

Take the time to draw out insights and potential actions to make the performance offering a success. This could include ticket sales, revenue, audience feedback and more.

7 Consider a versus deal

Work with the performers to promote the gigs by tapping into their fan base and networks.

8 Create a venue run sheet and artists contract

Make sure you are looking at every point of engagement the artist will have with your venue on the night of the performance.

9 Curate the line up

Match your venue atmosphere and the other acts that will be playing that night. Putting a punk band on before a jazz musician will seem incongruous to a lot of patrons.

10 Visit other venues in your area

See what works, what you like, and opportunities to differentiate yourself.

Participants

This guidebook was developed by the Office of the 24-Hour Economy Commissioner and the Night Time Industries Association through consultation with industry leaders. Thank you to participants for sharing their expertise.

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